

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S OPPOSITION TO THE DEFENDANT'S MOTION
TO COMPEL PRODUCTION OF TAPES BY GOVERNMENT

Now comes the government in the above matter and opposes the defendant's Motion to Compel Production of Tapes by Government. As reasons therefore, the government states as follows:

1. The defendant has requested copies of all recordings in this case including consensually recorded conversations at meetings and consensually recorded telephone calls.
2. The government made the recordings available for examination and review at the United States Attorney's Office in correspondence dated October 22, 2004.
3. The government also made the recordings available for copying at Apex Reporting in the same correspondence dated October 22, 2004.
4. The government is in compliance with Local Rule 116.4(A)(1) and 116.4(A)(2) as I have explained in

correspondence dated November 18, 2004.¹

5. The government has also agreed in correspondence dated December 3, 2004 to provide the set of recordings that were previously delivered to Apex Reporting to this defendant upon an agreement to this arrangement by all defense counsel.
6. The government is simply not required, under the Local Rules, to do any more than it has already to "provide" the copies of the tapes to this defendant.

Wherefore, the government requests that this Court deny the defendant's Motion to Compel Production of Tapes by Government.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/GLENN A. MACKINLAY
GLENN A. MACKINLAY
Assistant U.S. Attorney
United States Attorney's Office
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3215

December 3, 2004

¹ The government has also complied with subsection (3) of Local Rule 116.4(A) by providing a copy of the recordings to incarcerated defendant, Juan Rivera at the Norfolk County House of Correction in correspondence dated October 22, 2004.

